

Message Text

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FM SECSTATE WASHDC

TO ALL DIPLOMATIC POSTS

USINT BAGHDAD BY POUCH

AMEMBASSY DAMASCUS BY POUCH

AMEMBASSY SUVA BY POUCH

XMT USINT BAGHDAD

AMEMBASSY DAMASCUS

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C O N F I D E N T I A L S T A T E 0 9 8 6 1 7

FOLLOWING REPEAT GENEVA 2972 ACTION SECSTATE INFO USUN
NEW YORK USIA WASHDC 26 APRIL.

QUOTE

C O N F I D E N T I A L GENEVA 2972

USIA PASS IPS AND IBS

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: CLASSIFIEDLOS WEEKLY SUMMARY FOR D/LOS,

WEEK ENDING APRIL 25

1. SUMMARY: ON DEEP SEABED, LDC ATTACHMENT TO DIRECT EXPLOITATION BY ENTERPRISE CONTINUES. COMMITTEE II IS LARGELY MARKING TIME UNTIL APPEARANCE OF SINGLE, UNIFIED TEXT. EVENSEN GROUP TOOK UP CONSIDERATION OF MARINE CONFIDENTIAL

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POLLUTION. END SUMMARY.

2. COMMITTEE I: GROUP OF 77 IN COMMITTEE I (CI) HAS MET INTENSIVELY OVER PAST WEEK TO DEVELOP COMMON POSITION ON BASIC CONDITIONS OF EXPLOITATION AND INTERNATIONAL MACHINERY ARTICLES. ON BASIC CONDITIONS, LDC'S HAVE REJECTED SOVIET CONCEPT OF RESERVED AREAS EXCLUSIVELY FOR STATES. US APPROACH TO RESERVED AREAS THAT INCLUDES SUBMISSION OF TWO BLOCKS BY EACH APPLICANT HAS BEEN REJECTED IN A QUALIFIED MANNER, IE..., LDC'S WANT TO CREATE HARMONY OF REGIMES APPLICABLE IN BOTH RESERVED AND NON-RESERVED AREAS. GROUP OF 77 HAS OFFICIALLY QUOTE LEFT THE DOOR OPEN UNQUOTE FOR FURTHER DISCUSSIONS ON US APPROACH. GROUP IS STILL UNABLE TO COMPLETELY RELINQUISH IDEOLOGICAL ATTACHMENT TO DIRECT EXPLOITATION AS CONCEIVED IN THEIR VERSION ARTICLE 9. WE ANTICIPATE REVISED GROUP OF 77 ARTICLES ON MACHINERY TO BE PRESENTED SOON AND UNDERSTAND COUNCIL ARTICLE WILL PROVIDE FOR REPRESENTATION OF QUOTE SPECIAL INTERESTS. UNQUOTE. SINGLE TEXT OF REGIME AND MACHINERY ARTICLES HAS BEEN PREPARED BY WORKING GROUP CHAIRMAN PINTO, ALTHOUGH CI CHAIRMAN ENGO WILL EVENTUALLY PRESENT TEXTS UNDER HIS OWN NAME. EXPECT REMAINDER OF SESSION WILL BE DEVOTED TO PRIVATE CONSULTATIONS ON SINGLE TEXT DRAFT PRIOR TO ITS RELEASE, AS WELL AS CONTINUED EFFORTS BY KEY LEADERSHIP TO REACH CONSENSUS ON GENERAL OUTLINE OF ART. 9 AND BASIC CONDITIONS.

3. COMMITTEE II: WHILE INFORMAL CONSULTATIVE WORKING GROUPS ON MAIN SUBJECTS AND SMALLER NEGOTIATING GROUPS ESTABLISHED TO DEVELOP SPECIFIC TEXTS FOR PARTICULAR PROVISIONS MEET PUBLICLY, SMALL GROUP NEGOTIATIONS ON IMPORTANT UNRESOLVED ISSUES ALSO CONTINUE IN PRIVATE. U.K.-FIJI TEXT ON STRAITS, SUPPORTED BY 14 OTHER STATES, BEING PRIVATELY CRITICIZED BY SPAIN, CANADA, KENYA AND SEVERAL OTHER STATES WHO RESENT EFFORT TO PREEMPT FORMULATION OF STRAITS ITEM IN CHAIRMAN'S SINGLE TEXT. SPAIN IS PLAYING VERY ACTIVE ROLE IN INFORMAL CONSULTATIONS ON INNOCENT PASSAGE WHERE IT SELZES EVERY OPPORTUNITY TO CONCENTRATE ALL ATTENTION ON INNOCENT PASSAGE. DISTURBINGLY BROAD SUPPORT SEEMS TO EXIST FOR NON-
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EXCLUSIVE LIST OF NON-INNOCENT ACTS. CANADA, ARGENTINA, AUSTRALIA, NEW ZEALAND, NORWAY AND THE UK HAVE AGREED ON TEXT DEFINING CONTINENTAL SHELF AND ITS OUTER LIMIT (TEXT SENT D/LOS). US RESERVED ITS POSITION ON TEXT. US, USSR, UK, BAHAMAS, FIJI, AND INDONESIA MET WITH CHAIRMAN OF C-II TO DISCUSS ARCHIPELAGO ISSUE. SEVERAL MORE MEETINGS ARE SCHEDULED FOR NEXT WEEK WITH GROUP EXPANDED TO INCLUDE JAPAN, PHILIPPINES AND MAURITIUS.

INFORMAL ECONOMIC ZONE DISCUSSION REVEALED WIDE DIFFERENCES BETWEEN POSITIONS OF COASTALLY ORIENTED STATES AND LANDLOCKED, GEOGRAPHICALLY DISADVANTAGED GROUP. AT SAME TIME, IT WAS A POSITIVE DEVELOPMENT FOR BOTH CHINA AND INDIA CLEARLY TO ENDORSE FREEDOM OF NAVIGATION IN ECONOMIC ZONE. WE UNDERSTAND ROUGH DRAFT OF SINGLE TEXT ON C-II ISSUES HAS BEEN COMPLETED AND IS BEING REVISED AS INFORMAL CONSULTATIONS TAKE PLACE ON EACH SUBJECT. TEXT BEING CLOSELY HELD BY CHAIRMAN. PROBABILITY IS THAT SINGLE TEXT WILL NOT APPEAR IN PUBLIC, IF AT ALL, UNTIL FINAL DAYS OF THIS SESSION.

4. COMMITTEE III:

(A) MARINE POLLUTION: PRIVATE NEGOTIATIONS CHAIRED BY VALLARTA ENCOUNTERED EXTREME DIFFICULTY IN ATTEMPTING TO DRAFT TEXT ON CONTINENTAL SHELF POLLUTION. BRAZIL INSISTED ON RAISING JURISDICTIONAL QUESTION AND WANTED LANGUAGE CLEARLY TO REFLECT ITS POSITION THAT IT HAD JURISDICTION OVER ALL ACTIVITIES AND INSTALLATIONS ON CONTINENTAL SHELF. US PROPOSED NEUTRAL CROSS-REFERENCE TO CHAPTERS ON ECONOMIC ZONE AND CONTINENTAL SHELF, BUT BRAZIL REFUSED TO ACCEPT NEUTRAL SOLUTION. SUBJECT HAS BEEN SET ASIDE FOR TIME BEING. VALLARTA GROUP CLOSE TO AGREEMENT ON DRAFT ARTICLE ON DUMPING.

EVENSEN GROUP SPENT TWO MEETINGS ON MARINE POLLUTION STANDARD SETTING IN TERRITORIAL SEA. NUMBER OF COASTAL STATES WANT FULL STANDARD SETTING AUTHORITY, WHILE MARITIME STATES PREFER LIMITING STANDARDS TO DISCHARGE. EVENSEN WILL MOVE TO STANDARDS IN ECONOMIC ZONE ON MONDAY.

(B) MARINE SCIENTIFIC RESEARCH: EFFECTIVENESS OF
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INFORMAL NEGOTIATING GROUP DEALING WITH RESEARCH IN ECONOMIC ZONE CONTINUES BE HAMPERED BY ABSENCE OF BROAD REPRESENTATION OF GROUP OF 77. DISCUSSIONS PAST WEEK HAVE CENTERED UPON L.19 WITH SEVERAL QUESTIONS POSED BY MEXICO AND INDIA--ONLY TWO MEMBERS OF GROUP OF 77 ATTENDING. PRIMARY THRUST OF COMMENTS BY THEM HAVE BEEN UPON NECESSITY FOR COASTAL STATE PARTICIPATION IN PLANNING, CONDUCT AND ANALYSIS OF RESEARCH PROJECT. MEXICO/IRELAND HAVE PRODUCED NEW TEXT, WHICH IS BEING INFORMALLY CIRCULATED, THAT PROVIDES OBLIGATION REGIME FOR FUNDAMENTAL RESEARCH AND CONSENT REGIME FOR RESEARCH RELATED TO RESOURCES. IF DISPUTE ARISES, PROPOSAL WOULD PROVIDE FOR EXPERTS TO ASSIST PARTIES TO REACH AGREEMENT, BUT EXPERTS' DECISIONS WOULD NOT BE BINDING ON COASTAL STATES.

5. DISPUTE SETTLEMENT: GROUP COMPLETED DISCUSSION DRAFT CHAPTER AND ANNEXES ON DISPUTE SETTLEMENT. AS RESULT OF JAPANESE, LATIN, AND SOVIET OPPOSITION TO GROUP'S APPROACH OF BLANKET COMPULSORY DISPUTE SETTLEMENT (CDS) SUBJECT TO CERTAIN EXCEPTIONS, GROUP MADE FUNCTIONAL ANALYSIS OF PROVISIONS OF CONVENTION TO ASCERTAIN WHICH DISPUTES WOULD BE APPLICABLE TO CDS. IN COURSE DISCUSSIONS, SOVIETS SAID THEY QUOTE COULD NOT ACCEPT THE CONVENTION IF THE ECONOMIC ZONE WAS EXCEPTED FROM CDS UNQUOTE. IN SUBSEQUENT TALKS, HOWEVER, SOVIETS REVEALED IN VERY STRONG TERMS THEY WOULD ACCEPT CDS ONLY FOR FISHERIES AND DEEP SEABED DISPUTES.

LOS TRIBUNAL CONTINUES TO COME UNDER STRONG ATTACK, ESPECIALLY FROM JAPAN AND USSR. CHAIR PREFERS, HOWEVER, TO KEEP OPTIONS OPEN AND TO FORWARD SINGLE TEXT INCLUDING ANNEX ON LOS TRIBUNAL.

QUESTION OF MILITARY EXCEPTION DISCUSSED WITH AUSTRALIA, CANADA, FRANCE, NETHERLANDS, AND UK. MEETING WAS FRANK AND RESULTED IN BETTER APPRECIATION OF NEED FOR EXCEPTION. DALE UNQUOTE KISSINGER

NOTE BY OC/T: POUCHED BAGHDAD, DAMASCUS, SUVA.

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